

DATE: May 19, 2015

TO: Honorable Mayor & City Council

FROM: Doug Bender, Chairman, Planning & Zoning Commission

SUBJECT: Results of Planning & Zoning Commission Meeting of May 18, 2015

**AGENDA ITEM NO. 7A - PUBLIC HEARING
ZONING CASE 2015-05
APPLICANT: UNIVERSITY OF TEXAS SYSTEM**

Request for Specific Use Permit for an Independent Living Facility on one lot on 5.0± acres located on the south side of Mapleshade Lane, 825± feet east of Silverglen Drive. Zoned Corridor Commercial/190 Tollway/Plano Parkway Overlay District.

APPROVED: 7-0 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 1

PETITION(s) RECEIVED: N/A **# OF SIGNATURES:** N/A

STIPULATIONS:

Recommended for approval as submitted.

FOR CITY COUNCIL MEETING OF: June 8, 2015 (To view the agenda for this meeting, see www.plano.gov)

PUBLIC HEARING - ORDINANCE

RA/ks

xc: Kirk Tames, University of Texas System
Allan Ross, Avenida Partners, LLC.

<https://www.google.com/maps/@33.0015818,-96.7601645,17z/data=!3m1!1e3>

CITY OF PLANO
PLANNING & ZONING COMMISSION

May 18, 2015

Agenda Item No. 7A

Public Hearing: Zoning Case 2015-05

Applicant: University of Texas System

DESCRIPTION:

Request for Specific Use Permit for an Independent Living Facility on one lot on 5.0± acres located on the south side of Mapleshade Lane, 825± feet east of Silverglen Drive. Zoned Corridor Commercial/190 Tollway/Plano Parkway Overlay District.

REMARKS:

This is a request for an Specific Use Permit (SUP) for Independent Living Facility on 5.0± acres located on the south side of Mapleshade Lane, 825± feet east of Silverglen Drive. The existing Corridor Commercial (CC) district is intended to provide for retail, service, office, and limited manufacturing uses within major regional transportation corridors. The regulations and standards of this district are reflective of the high traffic volumes and high visibility of these regional highways. Independent living facilities are permitted in the CC district with approval of a SUP.

An SUP authorizes and regulates a use not normally permitted in a district, which could benefit in a particular case the general welfare, provided that adequate development standards and safeguards are established. An independent living facility is defined as a development providing dwelling units specifically designed for the needs of elderly persons. In addition to housing, this type of facility may provide convenience services, such as meals, housekeeping and transportation, and community facilities, such as central dining rooms and activity rooms.

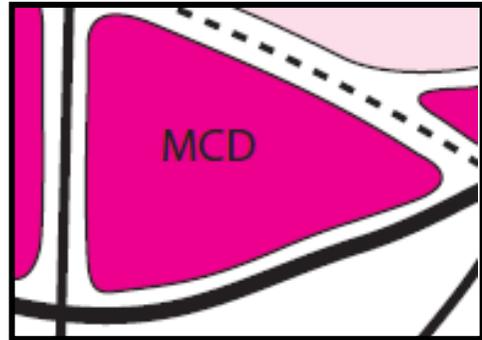
A preliminary site plan, Mapleshade Crossing, Block A, Lot 1, accompanies this SUP request.

Surrounding Land Use and Zoning

The property to the north and east, across Mapleshade Lane, is vacant and is zoned Light Industrial-1 (LI-1). To the south, the property is undeveloped and is zoned CC. To the west is an assisted living facility currently under construction, zoned CC with SUP #646 for Assisted Living Facility.

Conformance to the Comprehensive Plan

Future Land Use Plan - The Future Land Use Plan designates this property as Major Corridor Development (MCD). The city's current land use policies recommend that land along expressway corridors be reserved for economic development and employment opportunities. However, residential development may be appropriate along expressway corridors in accordance with the interim amendment policy recommendations of the Comprehensive Plan that were adopted in April 2012. The policies that apply to this request include:



1. Isolated residential development should not be permitted; residential rezoning requests need to establish a complete neighborhood, or expand an existing neighborhood or an urban mixed-use center. Mid-rise multifamily development (5 to 12 stories) and special needs housing (i.e. senior housing) could be an exception if the surrounding land uses are compatible.

Due to adjacent residential uses, including SUP #632 and SUP #646 for Assisted Living Facility to the west, the subject property would not be an isolated residential development. This request is therefore in conformance with this policy.

2. Residential should be set back a minimum of 1,200 feet from the centerline of State Highway 190. Factors including topography, creeks, vegetation, and existing development patterns should be considered in applying this standard.

The property is located 570± feet from the centerline of State Highway 190. The comprehensive plan provides more flexibility to senior housing with the understanding that these uses may be an isolated development built in non-traditional neighborhood areas. For these reasons, staff believes the development is appropriate within the 1,200-foot setback. Additionally, there is an existing independent living facility at the northeast corner of State Highway 190 and Independence Parkway located 360± feet from the centerline of State Highway 190. Furthermore, the two assisted living facilities located to the west of the subject property are located 828± feet and 906± feet from the centerline of State Highway 190.

Special Housing Needs Policy Statement - Plano's changing demographics highlight the need for the city to become a full "life cycle" community. The Special Housing Needs Policy Statement recommends expanding housing opportunities for elderly residents.

Adequacy of Public Facilities - Water and sanitary sewer services are available to serve the subject properties.

Traffic Impact Analysis (TIA) - A TIA is not required for this rezoning request.

Public Safety Response Time - Based upon existing personnel, equipment, and facilities, fire emergency response times will be sufficient to serve the site. Independent living facilities in this area will increase EMS and fire calls for service, and may impact future staffing levels and the type of equipment assigned to area fire stations.

SUP Request

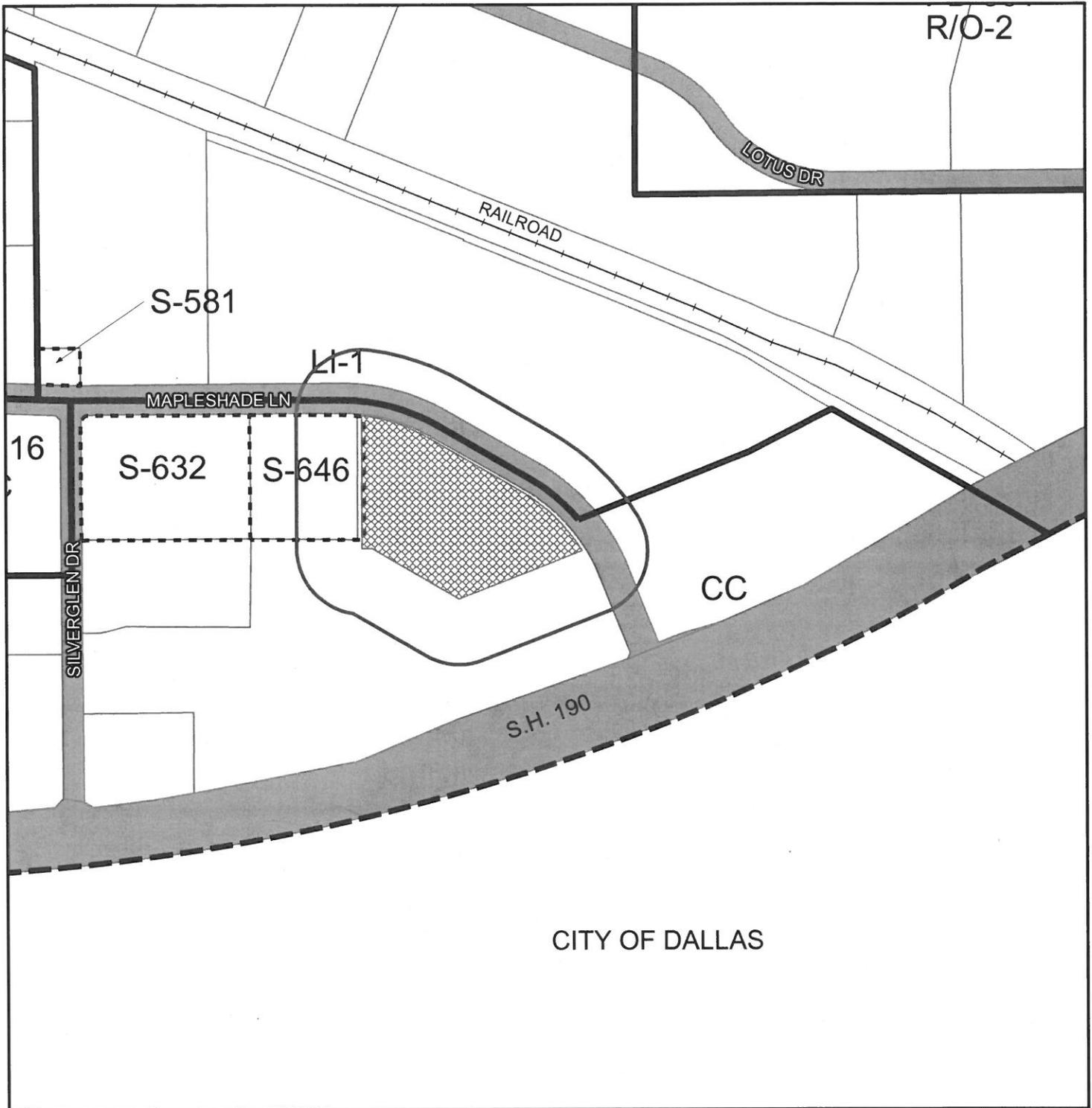
The requested SUP is consistent with the existing SUP #646 for Assisted Living Facility immediately adjacent to the west and the Assisted Living Facility located at the southeast corner of Mapleshade Lane and Silverglen Drive. The request is consistent with the recommendations of the Comprehensive Plan related to senior housing. The subject property will derive its primary access from Mapleshade Lane. The site does not have frontage on State Highway 190, and will be partially buffered from the frontage road by future commercial development. Additionally, this property is 570± feet from the centerline of State Highway 190 which is a similar location as the existing independent living facility at the northeast corner of Independence Parkway and State Highway 190. For these reasons, staff believes this is an appropriate location for an independent living facility.

Summary

The applicant is requesting an SUP for Independent Living Facility. Staff believes the proposed location is appropriate for an independent living facility given existing surrounding zoning and land uses. Furthermore, the subject property will be buffered from State Highway 190 by future commercial development. Therefore, staff recommends approval of the requested SUP for Independent Living Facility.

RECOMMENDATION:

Recommended for approval as submitted.

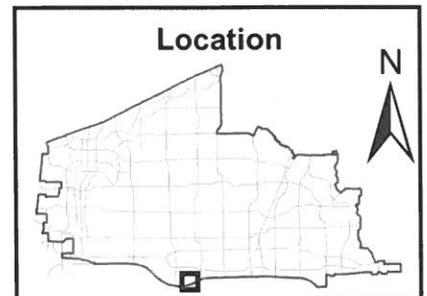


Zoning Case #: 2015-05

Existing Zoning: Corridor Commercial/190 Tollway/Plano Parkway Overlay District

Proposed Zoning: Specific Use Permit for Independent Living Facility

- 200' Notification Buffer
- (shaded) Subject Property
- (solid) Zoning Boundary
- (dashed) City Limits
- (dashed) Specific Use Permit
- (grey) Right-of-Way



Source: City of Plano Planning Department



LOTUS DRIVE

MAPLESHADE LANE

Area of Request

PRES GEORGE BUSH HIGHWAY
PRES GEORGE BUSH TURNPIKE

FRANKFORD ROAD



Source: City of Plano, Planning Dept.
Date: May, 2015

Zoning Case 2015-05

Dees 3/10/2015 X:\Dept\P&Z Locators & Graphics\22015-05A.mxd

Zoning Case 2015-05

An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2015-5-2, as heretofore amended, granting Specific Use Permit No. 661 so as to allow the additional use of Independent Living Facility on 5.0± acres of land out of the Martha McBride Survey, Abstract No. 553, located on the south side of Mapleshade Lane, 825± feet east of Silverglen Drive, in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 8th day of June, 2015, for the purpose of considering granting Specific Use Permit No. 661 for the additional use of Independent Living Facility on 5.0± acres of land out of the Martha McBride Survey, Abstract No. 553, located on the south side of Mapleshade Lane, 825± feet east of Silverglen Drive, in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial; and

WHEREAS, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 8th day of June, 2015; and

WHEREAS, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 661 for the additional use of Independent Living Facility on 5.0± acres of land out of the Martha McBride Survey, Abstract No. 553, located on the south side of Mapleshade Lane, 825± feet east of Silverglen Drive, in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial, would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

WHEREAS, the City Council is of the opinion and finds that such change will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

IT IS, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. The Comprehensive Zoning Ordinance No. 2015-5-2, as the same has been heretofore amended, is hereby further amended so as to grant Specific Use Permit No. 661 for the additional use of Independent Living Facility on 5.0± acres of land out of the Martha McBride Survey, Abstract No. 553, located the on the south side of Mapleshade Lane, 825± feet east of Silverglen Drive, in the City of Plano, Collin County, Texas, presently zoned Corridor Commercial, said property being more fully described on the legal description in Exhibit "A" attached hereto.

Section II. It is directed that the official zoning map of the City of Plano (which is retained in electronic record format) be changed to reflect the zoning classification established by this Ordinance.

Section III. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section IV. The repeal of any ordinance or part of ordinances affectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section V. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VI. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable, and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

Section VII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 8TH DAY OF JUNE, 2015.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY

Zoning Case 2015-05

BEING all that certain lot, tract or parcel of land situated in the Martha McBride Survey, Abstract No. 553, City of Plano, Collin County, Texas and being a portion of a tract of land described in deed of gift to the Board of Regents of The University of Texas System recorded in Volume 976, Page 517 of the Deed Records of Collin County, Texas, said 5.0000 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8-inch iron rod found for the corner at the north end of a corner clip at the intersection of northwest right-of-way line of State Highway 190 and the southwest right-of-way line of Mapleshade Lane (92 feet right-of-way);

THENCE North $21^{\circ}13'54''$ West, and following along the southwest right-of-way line of Mapleshade Lane, for a distance of 247.82 feet to a 5/8-inch iron rod set for corner, said point being the beginning of a curve to the left having a radius of 540.00 feet with a central angle of $10^{\circ}17'51''$ and a chord bearing North $26^{\circ}22'51''$ West at a distance of 96.92 feet;

THENCE northwesterly and following along said curve to the left and the southwest right-of-way line of said Mapleshade Lane, for an arc distance of 97.05 feet to a 5/8-inch iron rod set for the point of beginning for this description;

THENCE South $68^{\circ}42'36''$ West and departing the southeast right-of-way line of said Mapleshade Lane, for a distance of 402.37 feet to a 5/8-inch iron rod set for corner;

THENCE North $59^{\circ}32'52''$ West, for a distance of 306.54 feet to a 5/8-inch iron rod set for corner;

THENCE west, for a distance of 30.20 feet to a 5/8-inch iron rod set for corner;

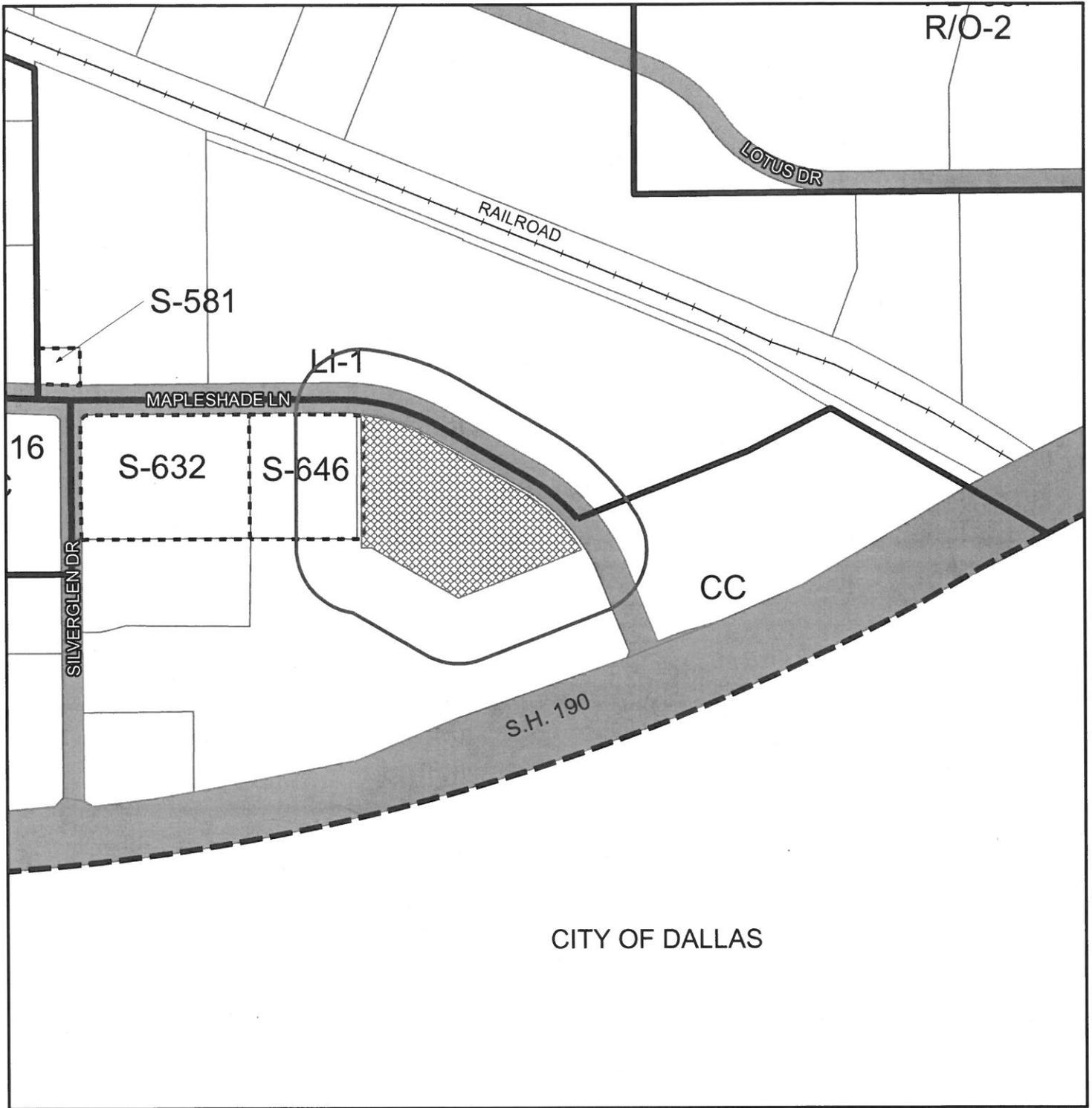
THENCE North $00^{\circ}02'39''$ East, for a distance of 405.40 feet to a 5/8-inch iron rod set for corner, said point being in the southeast right-of-way line of said Mapleshade Lane, said point also being in the arc of a curve to the right having a radius of 539.65 feet with a central angle of $22^{\circ}58'11''$ and a chord bearing South $71^{\circ}15'30''$ East at a distance of 214.90 feet;

THENCE southeasterly and following along said curve to the right and along the southeast right-of-way line of said Mapleshade Lane, for an arc distance of 216.34 feet to a 5/8-inch iron rod set for corner;

THENCE South $59^{\circ}46'45''$ East and continuing along the southeast right-of-way line of said Mapleshade Lane, for a distance of 320.65 feet to a 5/8-inch iron rod set for corner, said point being the beginning of a curve to the right having a radius of 540.00 feet with

a central angle of $28^{\circ}14'58''$ and a chord bearing South $45^{\circ}39'16''$ East at a distance of 263.56 feet;

THENCE southeasterly and following along said curve to the right and along the southeast right-of-way line of said Mapleshade Lane, for an arc distance of 266.25 feet to the POINT OF BEGINNING and CONTAINING 5.0000 acres of land, more or less.



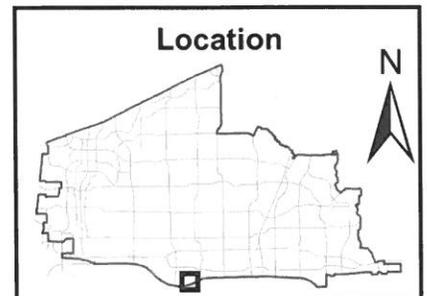
CITY OF DALLAS

Zoning Case #: 2015-05

Existing Zoning: Corridor Commercial/190 Tollway/Plano Parkway Overlay District

Proposed Zoning: Specific Use Permit for Independent Living Facility

- 200' Notification Buffer
- (cross-hatch) Subject Property
- Zoning Boundary
- - - Specific Use Permit
- - - City Limits
- (gray) Right-of-Way



Source: City of Plano Planning Department

